

SB 568 (Lowenthal)

POLYSTYRENE FOOD CONTAINERS

AS AMENDED 7/12/2011

BACKGROUND SHEET

PURPOSE

To help mitigate the detrimental effects polystyrene is having on our waterways, storm drains and marine life.

SUMMARY

SB 568 would prohibit a food vendor or restaurant on or after January 1, 2016 from dispensing prepared food to a customer in a polystyrene foam food container (a.k.a. Styrofoam). The compliance date for public schools is July 1, 2017.

The bill would also allow a school district that has a verifiable recycling program and recycles more than 60% of its foam foodware to continue to dispense food in foam after the ban goes in effect. This recycling program would have to be renewed every five years.

The bill would also allow a jurisdiction (City or County) to continue dispensing food in foam foodware if it adopts an ordinance establishing a recycling program for foam foodware containers and at least 60% of the foam food containers would be recycled. This recycling program would have to be renewed every five years.

BACKGROUND

Expanded polystyrene foam (EPS), commonly known as Styrofoam, is pervasive in the marine environment. Like most plastics, polystyrene is lightweight and floats. When littered, it is

carried from streets and through storm drains out to the ocean.

60-80 percent of all marine debris and 90 percent of floating debris are plastic. A study of beach debris at 43 sites along the Orange County coast found that EPS was the second most abundant form of beach debris.

In the environment, the containers break down into smaller and smaller pieces and are easily mistaken for food by marine animals.

EPS is not biodegradable.

The value of biodegradable food service packaging is two-fold, in that (1) institutional users can incorporate the packaging into new small-scale food composting collection systems without the labor and expense of separating the container from the food and (2) if the material is improperly disposed of blows out of trash cans, the negative impact on wildlife and storm drain systems is minimized with the material biodegrades.

There is virtually no meaningful food service EPS recycling in California. Because EPS foodware is contaminated from food residue, recycling is very limited. Food service EPS by its nature only has a useful life that can be measured in minutes or hours. Yet it takes centuries for it to decompose in a landfill if at all.

54 jurisdictions in California including Alameda, San Francisco, Oakland, Fremont, Hayward, Marin County, and Santa Cruz County have all successfully banned EPS. All of these jurisdictions' food vendors provide

their take out in alternative packaging including, paper, plastic, compostable materials, aluminum foil etc.

It is important to create a statewide policy and uniformity regarding this nuisance form of litter and marine pollution.

DANGERS OF POLYSTYRENE FOAM

Workers in polystyrene products manufacturing are exposed to many harmful chemicals, including Styrene, Toluene, Xylene, Acetone, Methyl Chloride, and Methyl Ketone. Occupational exposure to styrene increases risk of lymphoma, leukemia, lung tumors, pancreatic cancer, urinary bladder cancer and other cancers. High rates of neurotoxicological effects have been reported in workers.

Public health is also impacted by the use of all polystyrene food containers. Styrene can migrate from polystyrene containers into food and beverages when heated or in contact with fatty or acidic foods. Styrene residues are found in 100% of all samples of human fat tissue. Styrene is a carcinogen in lab animal testing, a likely human carcinogen and a neurotoxin.

ADDITIONAL RESOURCES

Local Ordinances Banning Polystyrene Containers

Californians Against Waste

http://www.cawrecycles.org/issues/plastic_campaign/polystyrene/local

Facts and Research about Polystyrene and Styrofoam Litter

Clean Water Action California

<http://www.cleanwater.org/ca>

SUPPORT

SPONSOR: Clean Water Action
Miriam Gordon, Ph# 415-369-9170

Cosponsor: Surfrider Foundation
Angela Howe, Ph# 949-492-8170

- American Federation of State, County and Municipal Employees (AFSCME)
- AcroSports
- AXE Restaurant
- Ballona Creek Renaissance
- Be Green Packaging, LLC
- Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)
- Berkeley Chamber of Commerce
- Big Sur Bakery and Restaurant
- Big Sur Lodge
- Big Sur River Inn Restaurant
- Big Sur River Inn Store
- Big Sur Roadhouse
- Biosphere Industries
- Black Women for Wellness
- Board of the Sonoma County Regional Climate Protection Authority
- Boku International, LLC
- Bowman Design Group
- Breast Cancer Fund
- Cabrillo College
- California Coastkeeper Alliance
- California Coastal Coalition
- California Coastal Commission
- California Federation of Teachers (CFT)
- California Healthy Nail Salon Collaborative
- California League of Conservation Voters
- California Refuse Recycling Council (CRRC)
- California Resource Recovery Association
- California Rural Legal Assistance Foundation
- California School Nutrition Association
- California Teamsters Public Affairs Council
- Californians Against Waste
- Carmel Chamber of Commerce
- Carpinteria Valley Chamber of Commerce
- Central Contra Costa Solid Waste Authority
- City of Belmont
- City of Calabasas
- City of Capitola
- City of Carpinteria
- City of Culver City
- City of Encinitas
- City of Glendale, Public Works Department
- City of Long Beach

- City of Manhattan Beach
- City of Millbrae
- City of Monterey
- City of Oakland
- City of Palo Alto
- City of Pasadena
- City of Richmond
- City of San Clemente
- City of Santa Cruz Public Works Department
- City of Santa Monica
- City of Sebastopol
- City of Ventura
- City of West Hollywood
- City and County of San Francisco
- Classic Organic Farm & Market
- County of Los Angeles
- County of Monterey
- County of Santa Clara
- County of Santa Cruz
- County of Sonoma
- Deetjens Inn Restaurant
- Defenders of Wildlife
- Downtown Los Angeles Neighborhood Council
- Earth Cup
- Earth Resource Foundation
- East Bay Municipal Utility District
- Eco Greenwares
- EcoLayers, Inc.
- Ecology Action
- Egg Plantation Restaurant
- Endangered Habitats League
- Environment California
- Environmental Justice Coalition for Water
- Environmental Working Group
- Fernwood Resort and Redwood Grill
- Fremont Chamber of Commerce
- Gerlind Institute for Cultural Studies
- George's at the Cove (Restaurant)
- Global Gourmet Catering
- Great Beginnings for Black Babies, Inc.
- Greater Griffith Park Neighborhood Council
- Green Chamber of Commerce
- Greenleaf Project Management
- Heal the Bay
- Ike's Quarter Café
- Inn of the Seventh Ray
- Institute for Local Self-Reliance
- Just Transition Alliance
- Los Angeles Alliance for a New Economy (LAANE)
- Los Angeles County Solid Waste Management Committee / Integrated Waste Management Task Force
- Los Angeles Neighborhood Land Trust
- Karl Strauss Brewery Restaurants
- Kennon B. Raines (individual)
- Malibu Surfing Association
- Mar Vista Community Council
- Marin County Hazardous and Solid Waste Management Joint Powers Authority
- Marin Sanitary Service
- McConnell's Fine Ice Creams, Inc.
- Mediterranean Gourmet Pizza
- Mineta San Jose International Airport (Airport Environmental)
- Monterey Regional Waste Management District
- Napa Recycling and Waste Services
- Natural Resources Defense Council
- North Hills East Neighborhood Council
- North Hollywood North East Neighborhood Council
- Ocean Beach People's Organic Market
- O'Neill Sea Odyssey
- Orange County Interfaith Coalition for the Environment
- Pacoima Beautiful
- Palms Neighborhood Council
- Passion Fish (Café)
- Physicians for Social Responsibility Los Angeles
- Planning and Conservation League
- Power Source Café
- Recology
- Reseda Neighborhood Council
- Rawvolution Café
- Revive Drinks
- Ripplewood Resort
- Sacramento Unified School District, Superintendent
- Salinas Valley Solid Waste Authority
- San Diego Coastkeeper
- San Fernando Valley Young Democrats
- Save the Bay
- Santa Clara Valley Water District
- Santa Monica Chamber of Commerce
- Save Our Shores
- Sea Turtle Restoration Project
- Seventh Generation Advisors
- Sierra Club California
- Sierra Mar at Post Ranch Inn (Restaurant)
- Silver Lake Neighborhood Council
- Solid Waste Association of North America, California Chapters (SWANA)
- Sonoma County Waste Management Agency
- South Robertson Neighborhood Council
- Stone World Bistro
- StopWaste.Org (Alameda County Waste Management Authority)
- Sun Valley Area Neighborhood Council
- Sustainable Earth Initiative
- Tarzana Neighborhood Council
- TaterWare

- Teens Turning Green
- The Plastic Pollution Coalition
- The Valley Women's Club
- The Watershed Project
- Town of Fairfax
- Trashbusters USA
- United Neighborhoods Neighborhood Council
- United States Green Building Council
(California Advocacy Committee)
- Van Nuys Neighborhood Council
- Venice Neighborhood Council
- Viv Biz Club
- Waste Connections Inc.
- West Los Angeles Neighborhood Council
- Westwood Neighborhood Council
- Worksafe, Inc
- World Centric
- Hundreds of Individual Petition Signers

STAFF CONTACT

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OPPOSITION

- American Chemistry Council
- California Chamber of Commerce
- California Film Extruders and Converters
Association
- California Grocers Association
- California Manufacturers & Technology
Association
- California Restaurant Association
- City of Lodi
- Dart Container Corporation
- Food Service Packaging Institute
- Industrial Environmental Association
- Irvine Chamber of Commerce
- Los Angeles County Business Federation
- National Federation of Independent Business
- Oxnard Chamber of Commerce
- Pactiv Corporation
- Sacramento Metro Chamber of Commerce
- Society of the Plastics Industry
- The Dardanelle Group
- Valley Industry and Commerce Association

STATUS

Passed the Senate 21-15
Passed out of Assembly Natural Resources
6-3
Assembly Appropriations 9-5
On the Assembly Inactive File